

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) 3:06-CR-151-MEF
)
JEFFREY DOUGLAS COSBY)

MOTION TO CONTINUE TRIAL

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and as grounds for the Motion to Continue Trial, states as follows:

1. A Motion to Suppress was filed by Cosby on July 14, 2006.
2. An evidentiary hearing on the motion was set for August 3, 2006.
3. The Government filed an Unopposed Motion to Continue the evidentiary hearing on August 2, 2006 (Doc. # 27).
4. The Magistrate Court has granted the Motion to Continue.
5. Trial in the instant case is scheduled for September 18, 2006.
6. Pursuant to Title 18, United States Code, Section 3161(h)(F) the period of delay resulting from the filing of the Motion to Suppress through to the disposition of the motion shall be excluded in computing the time within which the trial must commence, 70 days from the filing date (and making public) of the indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending,

whichever date last occurs, which is June 19, 2006 (date of arraignment).

7. The undersigned Assistant United States Attorney has trials set on the August 7, 2006, September 11, 2006, September 18, 2006, October 2, 2006, October 16, 2006 and October 24, 2006, Middle District of Alabama trial terms. Additionally, the undersigned AUSA has a trial set August 21, 2006, in the Middle District of Georgia. The undersigned AUSA does not believe that the evidentiary issues can be resolved before the September 18, 2006 trial setting.

8. The undersigned AUSA has contacted defense counsel, Kevin L. Butler, and alerted him to the filing of this motion.

Based on the facts stated above, the United States respectfully requests a continuance of the trial in this case.

Respectfully submitted this 3rd day of August, 2006.

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

/s/ Susan R. Redmond
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| |) | |
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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kevin L. Butler.

Respectfully submitted,

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

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